

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JUSTIN D. ROBBINS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-11-0274-HE
)	
GARVIN COUNTY SHERIFF'S)	
OFFICE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Plaintiff Justin D. Robbins, a state prisoner appearing *pro se*, filed this civil rights action and sought leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Bana Roberts, who recommended that the action be dismissed without prejudice due to the plaintiff's failure to pay the initial partial filing fee.


The magistrate judge had granted plaintiff's motion to proceed *in forma pauperis*, but advised plaintiff that he would be required to pay the \$350 filing fee, beginning with an initial partial payment of \$21.20. Plaintiff did not pay the fee as directed by the magistrate judge, despite being granted an extension of time and being advised that failure to comply with the court's order could result in the dismissal of his action. He also did not request another extension or demonstrate good cause for his failure to pay.

Plaintiff failed to object to the Report and Recommendation, waiving his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court

adopts Magistrate Judge Robert's Report and Recommendation and dismisses the action without prejudice to refiling.

IT IS SO ORDERED.

Dated this 16th day of June, 2011.



JOE HEATON
UNITED STATES DISTRICT JUDGE